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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CESAR GARCIA, et al., : 09 Civ. 6101 (VM)
:
Plaintiffs, : CONDITIONAL
: ORDER OF DISCONTINUANCE
- against - : WITHOUT PREJUDICE
:
GRACE UNDER FIRE LLC, et al., :
:
Defendants. : ----- X

VICTOR MARRERO, United States District Judge.

Counsel on behalf of the parties, having notified the Court, by letter dated November 20, 2009, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action and any pending motions to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date

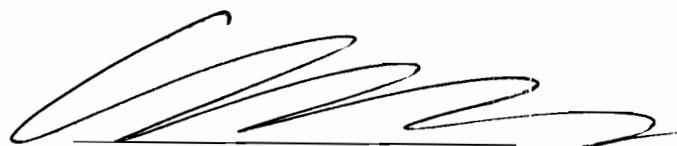
within ten days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The conference scheduled for November 20, 2009 is canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to withdraw any pending motions and to withdraw any pending motions and to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
20 November 2009



VICTOR MARRERO
U.S.D.J.



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November 20, 2009

VIA FACSIMILE (212-805-6382)

Hon. Victor Marrero
United States Courthouse
500 Pearl Street, Suite 660
New York, New York 10007

Re: Garcia, et. al. v. Grace Under Fire, LLC, et. al.
Case No. 09-CV-6101

Your Honor:

In light of the fact that the parties have agreed to a settlement in principal in connection with the above-referenced matter, the parties jointly request that the case management conference scheduled for 4:30 pm this afternoon be adjourned indefinitely. The parties will endeavor to submit the appropriate stipulation of dismissal and settlement agreement for the Court's approval as soon as possible.

We thank the Court for its attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Seth M. Kaplan".

Seth M. Kaplan

cc: Michael Faillace, Esq. (counsel for Plaintiffs, via facsimile)

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